

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Morris D. Green,)	C/A No.: 1:20-821-DCC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
C. Thomas, Dr. Collins, Tanner, S.)	ORDER
Lanham, Morgan, Bryant,)	
Franklin, Lt. Broadwater,)	
John/Jane Doe, and other Jane and)	
John Does,)	
)	
Defendants.)	
)	

Morris D. Green (“Plaintiff”), proceeding pro se, brought this civil rights action alleging a violation of his constitutional rights. This matter is before the court on Plaintiff’s motion for appointment of counsel [ECF No. 54] and motion for leave to proceed in forma pauperis [ECF No. 55].

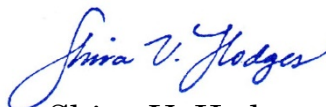
There is no right to appointed counsel in § 1983 cases. *Cf. Hardwick v. Ault*, 517 F.2d 295, 298 (5th Cir. 1975). While the court is granted the power to exercise its discretion to appoint counsel for an indigent in a civil action, 28 U.S.C. § 1915(e)(1); *Smith v. Blackledge*, 451 F.2d 1201 (4th Cir. 1971), such appointment “should be allowed only in exceptional cases.” *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975). Plaintiff in his motion has not shown any exceptional circumstances exist in this case. After a review of the file, this court

has determined there are no exceptional or unusual circumstances presented that would justify the appointment of counsel, nor would Plaintiff be denied due process if an attorney were not appointed. *Whisenant v. Yuam*, 739 F.2d 160 (4th Cir. 1984). In most civil rights cases, the issues are not complex, and whenever such a case brought by an uncounseled litigant goes to trial, the court outlines proper procedure so the uncounseled litigant will not be deprived of a fair opportunity to present his case. Accordingly, Plaintiff's request [ECF No. 54] for a discretionary appointment of counsel under 28 U.S.C. §1915(e)(1) is denied.

Plaintiff filed a motion to proceed in forma pauperis. [ECF No. 55]. However, Plaintiff has already been granted in forma pauperis status. [ECF Nos. 2, 8]. Therefore, Plaintiff's motion [ECF No. 55] is moot.

IT IS SO ORDERED.

November 9, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge